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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,960	07/10/2006	Earl Fenton Goddard	6589-72243-01	1619
24197 7590 12/02/2009 KLARQUIST SPARKMAN, LLP 121 SW SALMON STREET SUITE 1600 PORTLAND, OR 97204				
EXAMINER KO, JASON Y				
ART UNIT		PAPER NUMBER		
1792				
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12/02/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/552,960

**Applicant(s)**

GODDARD, EARL FENTON

**Examiner**

JASON Y. KO

**Art Unit**

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Applicant's Amendments***

1. This Office Action is responsive to the amendment filed on 08/17/09. Claims 21-38 are pending. Claims 1-20 have been canceled and Claims 21-38 have been newly added.

### ***Response to Arguments***

2. The claim rejection under 35 U.S.C. 102 have been withdrawn in response to Applicant's amendments filed August 17, 2009.
3. The claim rejections under 35 U.S.C. 103(a), made of record in the office action mailed June 23, 2009 have been withdrawn in response to Applicant's amendments filed August 17, 2009.
4. Applicant's arguments are considered moot in light of the withdrawal of rejections but are responded to in supporting the new rejections as found below.
5. Applicant has argued that the new claims 26-29 should be allowable as containing some subject matter being similar to canceled claims 15-18 which were indicated as allowable. Examiner respectfully notes that containing *some* subject matter similar would not render the new claims allowable, because it was the entirety of the previously presented claim limitations which were found to be allowable. Furthermore, the new claims appear to be much broader than the previously presented claims.

6. Applicant has argued that Minkin's spray manifolds 32 and 43 do not come from a common water source, and that Minkin does not disclose, or suggest this feature. However, Minkin clearly teaches that a fresh water source supplies water to the fluid holding space 18 (which even Applicant admits that wash manifold 32 sprays cleaning fluid from) or to a rinse manifold 42. Col. 4 lines 52-55. The water source is thus a common cleaning fluid supply. Even in the hypothetical scenario where Applicant's reading of Minkin was employed, it would be inherent and obvious that the water used in the nozzles come from a common source/supply along the supply chain.

7. Applicant's arguments that one of ordinary skill in the art would not modify Minkin to drive both manifolds at the same time has been fully considered but also found to be unpersuasive. Applicant appears to fail to appreciate the possibility of applying both manifolds multiple times; that is one of ordinary skill in the art would consider using both the rinse and wash nozzle together for washing, and then again for rinsing, for a more thorough cleaning experience. Applicant argues that Minkin's parts washer would not operate correctly, but this is unpersuasive because the parts washer would still be carrying out the intended function of washing, which would implicate operating correctly.

8. Furthermore, having a selective connectivity would also make obvious the claimed invention. That is, the motor connects to both the vertical and horizontal spraying mechanisms but selectively drives either vertically or horizontally at one time. This would also be obvious because two motors could be provided to allow for both motions, and it would be obvious to integrate the motors into one motor which could drive multi-axially in order to simplify the apparatus and save costs.

***Claim Objections***

9. Claim 27 is objected to because of the following informalities: Claim 27 is missing a period. Appropriate correction is required.

***Claim Rejections***

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

**11. Claims 21-25 and 30-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over MINKIN (USPN 5,427,128).**

12. Regarding Claims 21-22, MINKIN teaches a parts washer comprising: a cleaning chamber (washing chamber 16, Fig. 2); a receptacle (turntable 36, Fig. 2 or tumbler 28, Fig. 12 and col. 13 lines 38-40) into which parts to be cleaned are placed, the receptacle being rotatably mounted within the cleaning chamber (a turntable rotates as does a tumbler); a plurality of spray manifolds (any of the three manifolds of wash manifold 32, Fig. 2) each having a plurality of spray jets arranged to spray cleaning fluid from a common cleaning fluid supply (fresh water source, col. 4 lines 52-55); the spray manifolds are movably mounted within the cleaning chamber and coupled to a spray manifold drive motor (See Fig. 3, expected; drive means are not shown, col. 13 lines 38-40, would be obvious to have one to reduce user intervention), such that the spray

manifold drive motor causes reciprocating motion of the spray manifolds, including a horizontal spray manifold arranged to undergo horizontal reciprocal movement in a generally horizontal plane and to spray cleaning fluid (See Fig. 3, expected given structure on top right, rotatable handle structure), and a vertical spray manifold (wash manifold 32, Fig. 3).

13. MINKIN teaches a vertical spray manifold (42 or 32, Figs. 2-3), but appears to fail to explicitly teach the manifold to undergo reciprocal vertical motion.

14. However, it is well known in the art to provide spray manifolds which can undergo reciprocal vertical motion, and thus, it would have been obvious even in view of the teachings of MINKIN, in particular the wash manifold, which undergoes reciprocal horizontal motion and the drive unit, to provide a spray manifold (the vertical spray manifold 42, Figs. 2-3) which could undergo reciprocal vertical motion in conjunction with a drive unit, to have a wider area of coverage for the spray manifolds. See Figs. 2-3.

15. Claim 23 is unpatentable over MINKIN because it would be obvious to add another manifold, particularly an inlet manifold for feeding the fluid. The orientation and location as claimed appear to be merely design choices or one of limited configurations, which would be obvious to try for one of ordinary skill in the art. It is also expected and obvious to have a piece connect between a motor and the moving parts, which also moves, so that motion imparted by the motor can be transferred. Claim 36 is unpatentable over MINKIN because MINKIN teaches a manifold arrangement having a first horizontal spray manifold located above the receptacle having spray jets directed

downwardly toward the receptacle (which would be placed between the two horizontal sprays, once the parts were in operating positions) and a second horizontal spray manifold located below the receptacle having spray jets directed upwardly. See Fig. 2.

16. Furthermore, Claims 24-25 are unpatentable over MINKIN because having a lug on a drive wheel engage with a cam plate having a slot is a very well known and obvious way of configuring and using a cam member.

17. Claims 30-31 are unpatentable over MINKIN because MINKIN suggests and teaches that the angle of spray can be manipulated; furthermore, MINKIN teaches the use of "thin angle spray" and thus, it would be obvious to spray a non-diverging stream of fluid. See col. 14 lines 21-37. Regarding Claim 31, the spray angle "can be reduced" and thus it would be obvious to have the manifold spray at varying angles in a single plane for a more efficient cleaning experience.

18. Claims 32-33 are unpatentable over MINKIN because MINKIN teaches the horizontal spray manifolds as provided with a plurality of spray jets at an outer end thereof. See Fig. 3.

19. Claim 34 is unpatentable over MINKIN because it appears that MINKIN teaches a parts washer in which after a revolution of the receptacle, at least one spray manifold will have undergone a plurality of reciprocal movements and be in a position offset from the position of the at least one spray manifold at the commencement of said revolution. See Fig. 3, the spray manifold drive unit appears to be manually adjustable so as to cause multiple rotations, and could be manipulated to meet the claimed limitations. Furthermore, it would have been obvious to wash in this offset drive arrangement in

order to accomplish a more thorough wash, as opposed to a wash wherein the receptacle drive and the spray manifold drives are in sync, which would potentially result in a redundant washing of certain regions while other regions would not undergo a thorough washing.

20. Claim 35 is unpatentable over MINKIN because MINKIN teaches a tumbler (38, Fig. 12), and thus, it would have been obvious to use a basket mounted on a drive shaft because these are structurally similar and accomplish similar results of rotating objects placed within.

21. Claims 37-38 are unpatentable over MINKIN because it would be obvious to add another manifold, particularly an inlet or interconnecting (which would also provide additional support) manifold for feeding the fluid. The orientation and location as claimed appear to be merely design choices or one of limited configurations, which would be obvious to try for one of ordinary skill in the art.

**22. Claims 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over MINKIN (USPN 5,427,128) in view of LEIGH (USPN 2,518,239).**

23. MINKIN is relied upon as described above in the rejection of Claim 25.

24. Claims 26-29 are directed to a structure having a pipe being rotatably connected, allowing for reciprocal movement of the vertical spray manifold in the vertical plane, through the use of cam members, and an elbow, which MINKIN appears to fail to teach explicitly. However, such a configuration would be obvious over MINKIN because MINKIN teaches a horizontal reciprocal movement of a spray manifold and to apply this to a vertical spray manifold would be obvious to try to one of ordinary skill in the art.



25. Furthermore, it is well known to have a drive wheel causing a pipe to undergo reciprocal rotational movement which causes the reciprocal movement in the vertical plane of a vertical spray manifold. For example, LEIGH makes obvious these claimed limitations because it teaches a drive wheel (50, Fig. 1), a supply pipe, having a return bend and an elbow bend, cams driven by a motor, which allows for oscillatory (reciprocal) movements. See also Claim 4, col. 9, line 3-col. 10 line 6. Regarding Claim 29, it appears that adding another connection is obvious because it would add further support and also because it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

26. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the parts washer as taught by MINKIN and have a cam, drive wheel, pipe, elbow structure as taught by LEIGH, to be able to oscillate the nozzle assembly (the vertical spray manifold) in a vertical plane for a more precise operation and more efficient wash operation as LEIGH suggests (See Col. 1 line 39-col. 2. line 10).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON Y. KO whose telephone number is 571-270-7451. The examiner can normally be reached on Monday-Thursday; 9:30am-7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL BARR can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JYK/  
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30 November 2009

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